

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 5, 2015**

<u>CASE NUMBER</u>	6001
<u>APPLICANT NAME</u>	Victor Sign Company / Orin Robinson
<u>LOCATION</u>	7765 Airport Boulevard (Southeast corner of Airport Boulevard and Schillinger Road South, extending to the North side of Thomas Road)
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow a total of 504 square feet of wall signage in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance allows a maximum of 350 square feet of wall signage for a business in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	17.2± Acres
<u>ENGINEERING COMMENTS</u>	No comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	This request was not reviewed by Traffic Engineering.
<u>CITY COUNCIL DISTRICT</u>	District 6
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to allow a total of 504 square feet of wall signage in a B-3, Community Business District; the Zoning Ordinance allows a maximum of 350 square feet of wall signage for a business in a B-3, Community Business District.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The purpose of the Sign Regulation Provisions is to promote the economic well-being of the entire Mobile community by creating a favorable physical image, to afford the business community an equal and fair opportunity to advertise and promote products and services, and to protect the right of the citizens to enjoy Mobile's natural scenic beauty.

The applicant states:

1. *The purpose of this application is to allow:*

"In accordance with the City's regulations, Ross will be subject to a maximum sign area of 350 sq. ft. The proposed wall sign, when calculated within a four-sided figure, as required by code, is 504 sq. ft. The prescribed method of calculating sign area leads to about 50% of the area included to actually be sign background. If we were to calculate the sign area by boxing each line of copy it would be 291 sq. ft, well within the area limits prescribed by the sign ordinance."

"If we were to meet code and configure the sign in the same manner ("Ross" over "Dress For Less"), using the 4 sided enclosure, it would result in a sign that when positioned on the large background, would look disproportionally small, particularly when viewed from a distance. These conditions diminish Ross' presence in the shopping center when compared with nearby businesses located closer to the thoroughfare. Considering these factors, we believe our request is consistent with the intent and purpose of the sign ordinance."

2. *What are the conditions, items, facts, or reasons which prevent you from complying with the requirements of the Zoning Ordinance?*

"The primary condition is actually wrought by the required method for calculating sign area. Ross' trademark and national sign program requires the ROSS to be stacked over the DRESS FOR LESS, with the bottom line being roughly double the length of the ROSS. When you put a single box around this configuration, a great deal of space on either side of the ROSS, and the space between the lines, are counted as sign area, when it is clearly not sign area. As stated above, if we were to calculate the sign area by boxing each line of copy it would be 291 sq. ft, well within the area limits prescribed by the sign ordinance."

"Sign ordinances are generally written with consideration that most retail businesses abut the street frontage in the traditional manner of retail development. In this case, the store is set back from the street over 400 feet. This unique condition must be taken into account when considering the resulting size and proportion of the primary wall sign."

“Ross Stores, Inc. has signed a long-term lease at this location. The proposed sign offers them the assurance that they will be seen and recognized, and assures the City of their sustained success, which is consistent with the goals of the Comprehensive Plan.”

3. How did the conditions, items, facts, or reasons which prevent you from complying with the requirements of the Zoning Ordinance occur?

“The conditions are inherited, and not the result of the actions or decisions made by Ross Stores, Inc. The reasons are explained in #2 above.”

“It should be pointed out that it is actually Ross’ logotype configuration, when placed in a 4-sided box, that puts them at a disadvantage when it comes to calculating sign area. Many major retailers can fit all their sign copy in a box with very little background being counted.”

4. How is this property different from the neighboring properties?

“The new Ross Dress For Less location is surrounded by similar retail uses. It is not the property that is an issue, nor the uses. It’s the unfair application of the required sign area calculation.”

“Signs are indicative of business activity. The visual impact of this new, dynamic signage will contribute to the retail synergy that the City wants to promote in their community. Because of the nature of the shopping center, with broad frontages, the addition of the proposed signs will not contribute to visual clutter, and will be in keeping with the tradition of the area while offering a refreshed and contemporary design.”

“We appreciate the opportunity to present our reasoning behind our request for limited relief from the City of Memphis’ regulations. We feel that the purposes and intent of the ordinance and Comprehensive Plan would be advanced by the requested deviations from the requirements and the benefits of such a deviation will substantially outweigh the detriment that would result in ineffective identification.”

The subject store is located within a multi-tenant retail shopping center complex containing approximately 17 acres, with the store having approximately 25,000 square feet of gross floor area. The complex is currently under renovation/reconstruction/expansion and new stores are being added. The subject store is a junior anchor tenant and is the third largest store within the complex with the largest two anchor stores having approximately 54,500 and 50,000 square feet. Front wall signage for those two stores was 348 square feet and 315 square feet respectively. Another junior anchor store with approximately the same floor area square footage and footprint as the subject store has a 252 square foot front wall sign. The complex has three freestanding signs with multiple tenant panels.

The applicant had a similar 504 square-foot front wall sign approved for its McGowin Park store, but that sign was approved via a comprehensive sign package included in the Planned Unit Development (PUD) for that approximately 89 acre site. The PUD allowed stores within that

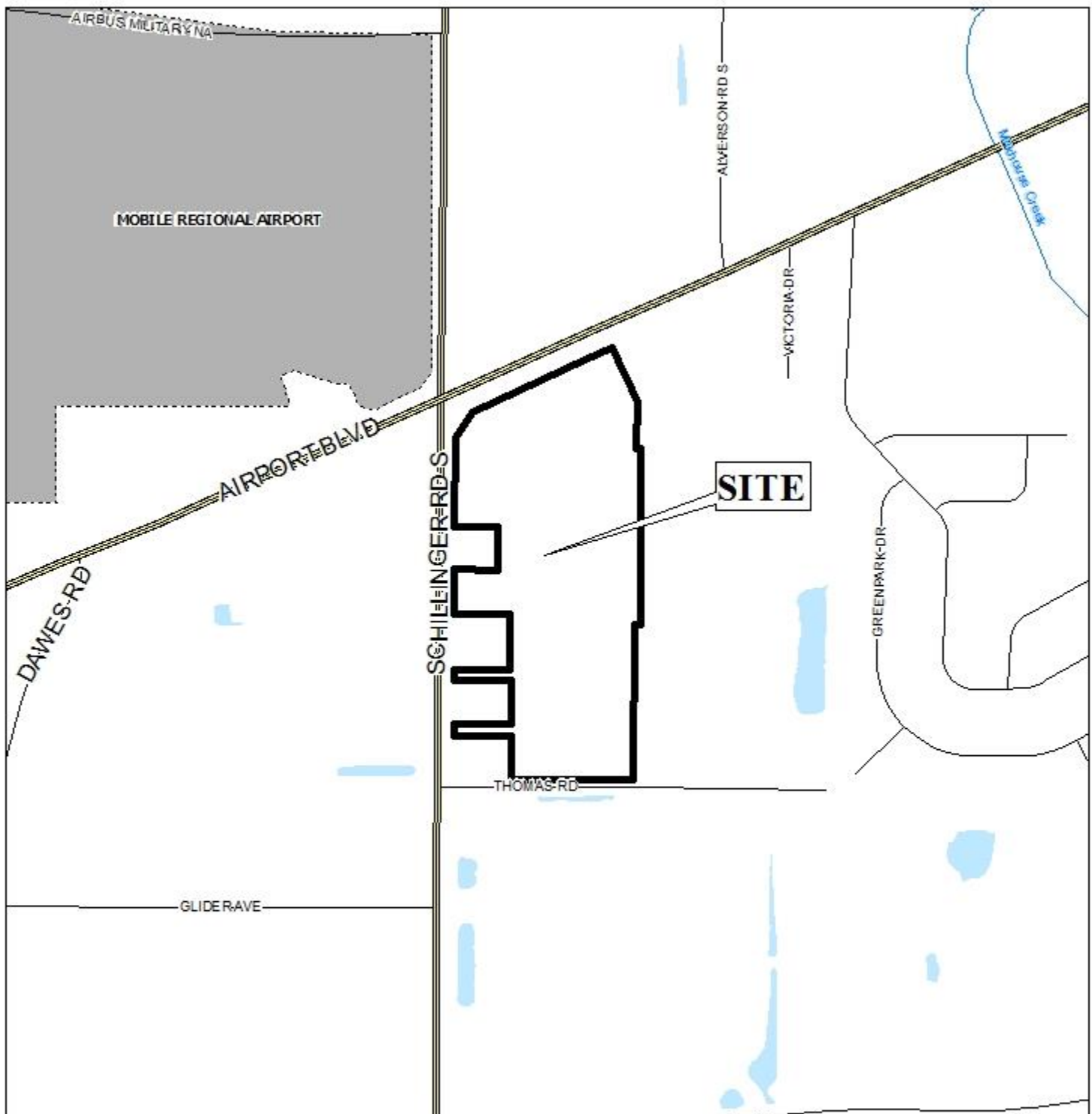
site to have signage area beyond that normally allowed by the Zoning Ordinance due to the innovative design and scale of the site. In this instance, no special signage package was requested in any of the PUD's approved for the Westwood Plaza shopping center, thus stores are subject to the normal signage provisions of the Zoning Ordinance.

The applicant focuses on the boxing method used to calculate the square footage for signage as diminishing the actual signage area and resulting in a sign disproportionate to the other store front signs when viewed from the street. However, the current Ross store location in the Mobile Festival Center has a compliant 350 square-foot front wall sign permitted in 2003 on a 150'-wide store front set back approximately 470' from the center of Montlimar Drive. In this instance the store front is just over 145' wide and is set back approximately 425' from the centerline of Schillinger Road. As the same boxing method was used for the existing sign at the Mobile Festival Center location with no concerns expressed in twelve years for disproportionality on a wider store front set back a greater distance from the street centerline, it would seem that the same boxing method would stand for calculation of the subject site. And the fact that two larger anchor stores with wider facades are satisfied to have smaller front wall signs based on the same boxing method would certainly seem to justify the sign square footage calculation method.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for denial:

- 1) Approving the variance request will be contrary to the public interest in that it would allow for signage area disproportionate to that of other even larger stores within the shopping center;
- 2) Special conditions (a compliant sign would be disproportionately small when viewed from a distance) do not exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance since approving the variance will set precedence for other businesses to seek similar signage requests.

LOCATOR MAP



APPLICATION NUMBER 6001 DATE October 5, 2015

APPLICANT Victor Sign Company / Orin Robinson

REQUEST Sign Variance



The map illustrates the Westwood Plaza Shopping Center and its surrounding area. Key features include:

- Westwood Plaza Shopping Center:** A large red-shaded area in the center containing several buildings labeled 'RETAIL', 'REST', 'SPA', 'SALON', and 'VAC'.
- Site:** A large green-shaded area to the east of the shopping center, labeled 'SITE', containing numerous apartment buildings labeled 'APT'S'.
- Surrounding Areas:**
 - North:** Mobile Regional Airport, with various retail and bank buildings.
 - West:** Schilinger Road, with buildings labeled 'RETAIL', 'BANK', 'DRUG STORE', 'MINI STORAGE', 'AUTO SALES', 'CONV STORE', and 'REST'.
 - South:** Thomas Road, with buildings labeled 'REST', 'RETAIL', and 'VAC'.
 - East:** Vacant land and a vet building.

N
NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units. Residences lie east of the site.

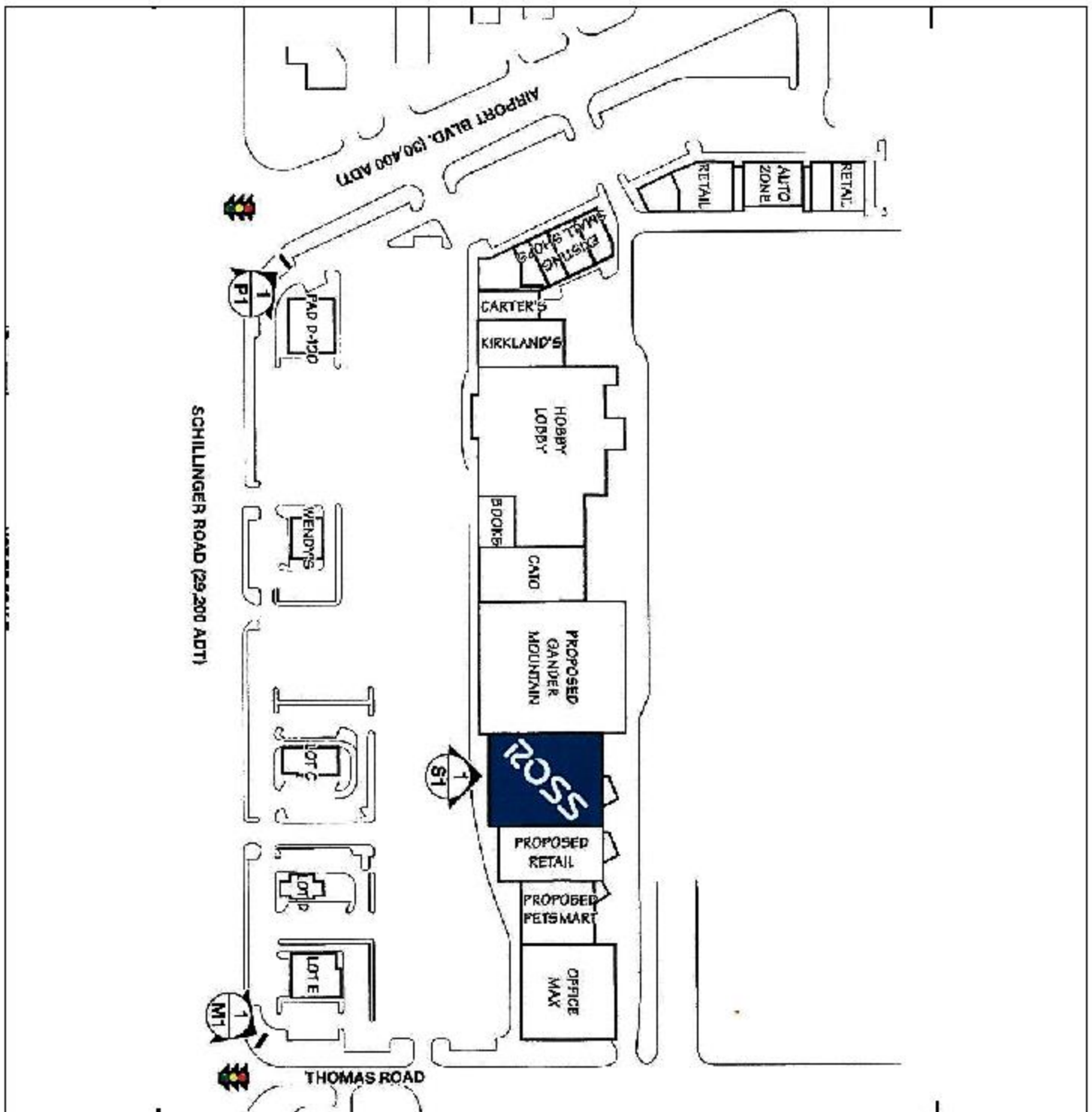
APPLICATION NUMBER 6001 DATE October 5, 2015

APPLICANT Victor Sign Company / Orin Robinson

REQUEST Sign Variance



DETAIL SITE PLAN



APPLICATION NUMBER 6001 DATE October 5, 2015

APPLICANT Victor Sign Company / Orin Robinson

REQUEST Sign Variance



DETAIL SITE PLAN



APPLICATION NUMBER 6001 DATE October 5, 2015

APPLICANT Victor Sign Company / Orin Robinson

REQUEST Sign Variance



NTS